

### REMARKS

Claims 1-240 are in the application (claims 1-72 being in the original patent and claims 73-240 added at the time of filing of this reissue application). Claims 1-72 were allowed. Various claims were indicated as rejected for various informalities. Certain claims were rejected in view of Greszczuk and/or Hamada.

Applicant has endeavored herein to address the various informalities noted by the Examiner (Applicant appreciates the careful review and detailed comments provided by Examiner Nguyen). Applicant also has corrected certain informalities that were noted during preparation of this amendment. Applicant also wishes to provide the following additional comments.

~~#-18~~ A new oath/declaration is in process. As the inventors are no longer employed by the previous assignee, efforts are being made to locate the various inventors. N

With respect to the rejection of claims 176, 184, 196, 208, 220 and 232 under Section 112 (based on the phrase "first protocol at a first point in time" and "second protocol at a second point in time"), Applicant respectfully traverses this rejection. Applicant submits that the original disclosure (see, e.g., col. 12, lines 31-36 of the issued patent) provides adequate support for this limitation. C

With respect to the rejection of claims 149, 156, 163, 170, 177, 185, 197, 209, 221 and 233 (based on the phrase "protocol is determined automatically"), Applicant also respectfully traverses this rejection. Applicant submits that the original disclosure (see, e.g., col. 12, lines 1-15 of the issued patent) also provides adequate support for this limitation.

Applicant thanks Examiner Nguyen for correctly noting the error in claim 168, which has now been amended to depend from claim 167.

With respect to the rejection of claims 145, 152, 159, 166, 173, 181, 193, 205, 217 and 229 (based on the phrase "best or desired manner"), Applicant respectfully traverses this rejection based on the original disclosure (see, e.g., col. 3, lines 20-22, col. 12, lines 52-67, etc.). N? - !  
Applicant submits that, in view of the overall disclosure, that the subject phrase would be understood by one of skill in the art to mean an optimum or desired operation for the particular circumstances.

With respect to the rejection in paragraph no. 10 of the office action, Applicant respectfully traverses this rejection. For example, claim 74 "narrows" claim 73 by reciting particular structure (e.g., frame receiving circuitry included in the first endpoint receiver, etc.), and thus further limits the subject matter of independent claim 73. Similar analysis applies to the other rejected claims. As Applicant's attorney apparently does not understand the basis for this rejection, Applicant's attorney requests an opportunity to discuss such matters with the Examiner by way of a telephone or in-person interview. VV

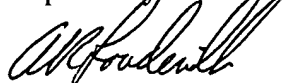
Applicant also amended the claims to address the Markush objection, and also the rejection under 35 U.S.C. 251, which should obviate or overcome these objections/rejections. K

With respect to the rejections under Section 102 and 103, Applicant submits that, as with the original claims, claims 73-240, as now presented, patentably distinguish over the cited art. The multi-tone modem disclosure of Greszczuk does not disclose Applicant's invention, and Hamada does not provide what Greszczuk is lacking. Thus, as now presented, as with the original claims, Applicant submits that all claims patentably distinguish over the cited references. K

Accordingly, Applicant has endeavored herein to address the various matters raised by the Examiner and to otherwise put this application in condition for allowance.

Reconsideration and allowance is requested.

Respectfully submitted,

  
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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that the foregoing is being deposited with the U.S. Postal Service, postage prepaid, to the Assistant Commissioner for Patents, Washington DC 20231, this 4<sup>th</sup> day of September, 2001.

By:

  
Alan R. Loudermilk